

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MD

JEFFREY COHEN
DAMIEN RILEY
CHRISTOPHER PALMER
KENNETH BAINES
MARC BARBER
FAISAL MAPANGALA
Plaintiffs,

~~FILED~~ ~~ENTERED~~
~~LOOSE~~ ~~RECEIVED~~

JAN 15 2015

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

v.

Civil Action No.: WDX-14-3946

ROD ROSENSTEIN, In his personal and
official capacity as US Attorney, et al.,
Defendants.

MOTION FOR RECONSIDERATION

Jeffrey Cohen, Damien Riley, Christopher Palmer, Kenneth Baines, Marc Barber, and Faisal Mapangala, (collectively referred to as "Agents of Change" or "ROC") hereby assert as follows:

Plaintiffs, ROC, filed a complaint in this Court on 12/22/14. The Court summarily dismissed the complaint based on several reasons. ROC requests this Court to reconsider its dismissal order based on several errors in the Court's order.

The Court erred:

- a) By not accepting the complaint as it is clearly pled, as a complaint for declaratory relief pursuant to USC §2201.
- b) The Court refuses to accept that the complaint is submitted as a declaratory action and instead improperly designates the complaint as an individual suit for damages on behalf of Cohen.
- c) By not properly accepting the clearly worded association of the multiple plaintiffs as a collective party. This complaint is on behalf of 6 plaintiffs, not solely on behalf of Cohen.
- d) By not accepting the clearly stated allegations on behalf of the 6 plaintiffs; the complaint makes no reference to "his" due process, nor does the complaint state that "Cohen" seeks unspecified money damages. The complaint clearly states "The plaintiffs have each been harmed due to", and "This action is not for damages due to the violations of the plaintiffs constitutional rights".
- e) By holding that the complaint is deficient due to the "lack of individual details of personal injury"; "lack of indigency affidavits"; "lack of CDF identification number".

As shown herein, the details of personal injury has been alleged by all plaintiffs. Indigent affidavits are only required to establish the waiver of court filing fees, the affidavits are not a required element to file a civil complaint. Cohen only added his CDF ID number in closing for reference to the court clerk for mailing purposes, there is no requirement for plaintiffs to each list their ID numbers to submit a civil complaint.

The complaint does not allege that Cohen is representing the plaintiffs, all are included in the complaint individually as pro se plaintiffs.

It is well settled that a pro se litigant only has to sign a pleading on their behalf to be acceptable to the court.

Although the Court correctly states that prosecutorial immunity does not protect prosecutors from suits for injunctive or declaratory relief, see Supreme Court of VA v. Consumers Union of the United States 446 US 719; plaintiffs assert that the facts of the cited case are different than the instant complaint.

The Court properly held that specific issues related to the matter of US v. Cohen WDQ-14-310 are pending but the Court erred by limiting the instant complaint to the issues pending in Cohen's criminal matter for fraud. The Court improperly compares the instant complaint to Heck v. Humphrey 512 US 477. In Heck, the court held that a complaint for malicious prosecution type activities in a criminal litigation could not be presented without first invalidating the underlying conviction or sentence. The instant complaint is different from Heck because the plaintiffs seek a declaratory action regarding the constitutionality of a quasi-law created by the judicial branch that was not enacted by congress.

The record within each of the plaintiffs individual pending criminal matters clearly shows that plaintiffs have suffered injury as a result of the defendants, this establishes a substantial controversy that warrants declaratory relief.

Wherefore, plaintiffs, ROC, pro se, request that this Court reconsider its sua sponte dismissal of the instant complaint, and reinstate the complaint against the defendants immediately.

Respectfully submitted on January 10, 2015.

Plaintiffs, pro se:



Jeffrey Cohen



Damien Riley



Christopher Ralmer



Kenneth Baines



Marc Barber



Faisal Mapangala

c/o CDF

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